

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE)
)
Gary L. Fleming, Sr.,) Case No. 19-20486 TPA
)
Debtor) Chapter 11
) Docket No.
)
Gary L. Fleming, Sr.,)
)
Movant)
)
Vs.)
)
Pieria Holdings, LLC,)
)
Respondent)

**ORDER CONFIRMING SALE OF MINERAL AND ROYALTY RIGHTS
FREE AND DIVESTED OF LIENS**

AND NOW, this _____, on consideration of the Debtor's Motion for Sale of Property Free and Divested of Liens, filed at Document No. 11, to Pieria Holdings, LLC, 25 Highland Park Village 100-308, Dallas, TX, 75205 for \$25,000.00, after hearing held in Courtroom C, 54th Floor, 600 Grant Street, Pittsburgh, PA, this date, the Court finds:

(1) That service of the *Notice of Hearing* and *Order* setting hearing on said Motion for private sale of mineral and royalty rights free and divested of liens of the above-named Respondents, was effected on the following secured creditors whose liens are recited in said Motion for Private sale, viz:

DATE OF SERVICE **NAME OF LIENOR AND SECURITY**

NONE

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of serviced duly filed and that the named parties were duly served with the Motion.

(3) That said sale hearing was duly advertised on the Court's website pursuant to *W.PA LBR 6004-1(c)(2)* on February 14, 2019 and in The Pennsboro News on February 20, 2019, 2019.

(4) That at the sale hearing the highest/best offer received was that of the

above Purchaser and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$25,000.00 by Pieria Holdings, LLC was a full and fair price for the property in question.

(6) That the Purchaser has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d.143 (*3d Cir. 1986).

Now therefore, **IT IS ORDERED, ADJUDGED AND DECREED**, that the sale by Mineral and Royalty Deed of the mineral and royalty rights for certain property located in Ritchie County, West Virginia as described in the Mineral and Royalty Deed attached to this Motion is hereby **CONFIRMED** to Pieria Holdings, LLC for \$25,000.00, free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to the Buyer above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above recited liens and claims, be, and they hereby, are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the closing agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions*, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this *Order*. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

- (1) The following liens(s)/claim(s) and amounts; No known liens;
- (2) Any normal and necessary taxes and closing costs related to the sale of mineral rights;
- (3) The costs of local newspaper advertising in the amount of \$39.85 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (4) The Court filing fee of \$181.00 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (5) The Court approved attorney fees in the amount of \$750.00 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (6) The balance of the funds realized from the within sale shall be held by the Attorney for the Movant until further Order of Court, after notice and hearing; and,
- (7) Other: _____.

FURTHER ORDERED that:

- (1) ***Within seven (7) days of the date of this Order***, the Movant shall serve a copy of the within *Order* on each Respondent/Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any

attorney or party who answered the motion or appeared at the hearing, the attorney of the Debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.

- (2) *Closing shall occur within ninety (90) days of this Order.*
- (3) *Within seven (7) days following closing*, the Movants/Plaintiffs shall file a *Report of Sale* which shall include a copy of the HUD-1 or other Settlement Statement; and,
- (4) This *Sale Confirmation Order* survives any dismissal or conversion of the within case.

Honorable Thomas P. Agresti
United States Bankruptcy Judge